IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1529 OF 2006

Shri Satish Choudhary ..... Petitioner.

V/s

The Union of India & Ors. ..... Respondents.

Mr. Uday Warunjikar for the Petitioner.

Ms. Ashwini Jamsandekar i/b Mr. D.N. Salvi for Respondent Nos. 1 and 2.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 24th August, 2007

P.C.:

1. Heard the learned Counsel appearing on behalf of the Petitioner.

2. Petitioner is challenging the show-cause notice which is issued by Respondents under section 124 of the Customs Act. He submits that the Petitioner has filed interim reply to the said show-cause notice without prejudice to his rights and contentions which are raised in this Petition. He submits that the Petitioner may be granted liberty to file his detailed reply to the said show-cause notice within two weeks from today. He submits that the respondents may be directed to

decide the said show-cause notice on merits and in accordance with law and he may be permitted to withdraw this Petition with liberty to challenge any adverse order that may be passed by Respondent No.2 - Commissioner of Customs.

3. Accordingly, Petition is allowed to be withdrawn. All contentions raised by the Petitioner in this Petition are kept open. Petitioner may file his detailed reply within two weeks and, thereafter, Respondent No.2 shall decide the show cause notice after giving personal hearing to the Petitioner on merits and in accordance with law. Petitioner is granted liberty to challenge the order if it is adverse to him.

4. The learned Counsel appearing on behalf of the Petitioner submits that the Petitioner would appear before Respondent No.2 on 31/08/2007 and, thereafter, the Commissioner shall fix the next date. The Commissioner may decide the show-cause notice as expeditiously as possible and, in any case within a period of three months.

5. Petition is accordingly disposed of in the above terms.

(V.M. KANADE, J.)